

# Hisba, Arts and Craft in Islam

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## Preface and Acknowledgements

The research presented in this book originated from my interest in the interrelations between the caliphal institutions and the artistic activities of the Muslims. Part of this interest came to light through my article in Arabic “*al-hisba wa-‘Alāqatahā bil-Funūn al-Islāmiyya*”.<sup>1</sup> Scholars of Islamic art, I believe, have been more concerned with investigating the arts of the Muslim courts and tracing their external origins and less concerned with studying the popular arts and their Islamic origins. A similar trend exists in the study of the *hisba* institution. Here, the scholastic debate was mainly focused on the pre-Islamic Hellenistic, Roman, Byzantine, Persian, Rabbinic or other sources, and less attention, if at all, was paid to *Jāhilī* traditions and even to the need to institutionalize the religious, moral and secular needs of the new religious entity.

After completing my doctoral thesis on the religious and social aspects of crafts and artisans in Islam,<sup>2</sup> I began collecting all possible data concerning *hisba* and arts in the Islamic sources with the intention of examining some of the internal factors and needs that could affect artistic activity in the Muslim society. I thought at first that *hisba* material should be sought mainly in what researchers called ‘*hisba* manuals’, but soon I realized that a good deal of the related material exists in numerous and diverse religious and historical sources.

Given this state of affairs, I decided to examine, on the one hand, the possible Arab and Islamic origins of *hisba* and its institutionalization process in the administrative system throughout the main Muslim caliphates and, on the other hand, the possible impacts of this institution on the artistic performance of Muslim society.

The geographical and chronological boundaries of this work are broad and well defined but they do not constitute a separate goal in themselves. In fact, my intention is to view the main objects of the research, *hisba* and arts, through an Islamic prism without being confined to any specific geographic or chronological order. Therefore, in some periods such as the Mamluk and in some places such as Iran, I was content with what could be called ‘representative examples’ of information. At all events, the chronological framework extends from pre-Islamic *Jāhiliyya* to the end of the Mamluk Sultanate (1517), while the geographical one includes Arabia, Syria, Iraq, Iran, Egypt, North Africa and Muslim Spain.

I have divided this book into two parts. Part one constitutes an attempt to give a comprehensive survey of the institution of *hisba* from its rise to its decline under the Mamluks. In the first chapter, I surveyed and evaluated some possible *Jāhilī* roots for

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1 Published in *Jerusalem Studies in Arabic and Islam*, 24 (2000): 396–445.

2 Ghabin, *Crafts and Artisans*, pp. 145–167.

*hisba* practice. In the second, I looked for *hisba* indications in the conduct of Muḥammad and his four successor caliphs. In the third, I referred to the religious foundations of *hisba*, mainly to those in the Qur’ān and the *hadīth* literature. In the fourth chapter of this first part I followed the making and development of the institution through various Islamic dynasties and periods.

Part two is made up of eight chapters. In the first one, as background material, I presented an overall view of the Islamic attitude towards craft occupations. The second and third chapters are dedicated to the interrelation between ‘āmil al-sūq and *hisba* and between arts in general. The last five chapters are dedicated to the fields of art that have a direct or indirect connection with *hisba*: architecture, figurative arts, textiles, pottery and metalwork. The choice of arts was based on finding mention of or reference to them in *hisba* manuals and other literature.

To conclude, I am aware of the extensive use of footnotes throughout the entire book. I believe, however, that in a book of this kind one cannot avoid referring to all the available relevant sources and clarifying all the numerous expressions and contexts involved in the research. In addition to fulfilling the need for scientific documentation, I hope, by these means, to have been of some assistance to Islamic specialists and students in their search for further knowledge.

I am indebted to many people who willingly offered me their help and advices. The main spiritual and financial support in carrying out this research I received venerably from the Al-Qasemi Academy in Baqa al-Gharbiyya, where I work as teacher of Islamic Civilization. Thanks to Dr. M. Issawi, the president of the al-Qasemi Academy, and to the head of the research center Dr. Jamal Abu Husayn and his successor Dr. Nabil Su’da at al-Qasemi that granted me adequate financial support that enabled the successful pursuance of this research project. I am grateful to him and to the supporters of al-Qasemi Academy.

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My wife, Fatma was and still is an endless source of support. She, in addition to her role in guarding the whole family, created around me the best conditions for the pursuance of this research.

A. Ghabin  
Tur'an, June 2008

## Introduction

Al-Māwardī opened his methodical chapter on *hisba* with “it commands doing good when it is neglected and forbids wrongdoing when it is clearly done”, all in accordance with God’s saying (Q3:104) “Let there become of you a community that shall call for all that is good, enjoining what is right and forbidding what is wrong.” Nevertheless, as ‘a political scientist’, Al-Māwardī immediately confined his theory to a religious office that should exist in every Islamic regime.<sup>1</sup> Unlike him, the great apologetic theologian and mystic, Abū Ḥāmid al-Ghazālī described *hisba* in theoretical and comprehensive terms as being a religious and moral obligation to be performed by every Muslim. For him *hisba* is an all-inclusive expression of *al-amr bil-ma’rūf wal-nahy ‘an al-munkar*, which is the great axis of religion (*al-quṭb al-azam fī al-dīn*).<sup>2</sup> In effect, they presented us with two different meanings of *hisba*. Al-Ghazālī used *hisba* in its broad sense as the religious principle set by God that obligates all, rulers as well as individuals. What al-Māwardī meant by *hisba* was the official supervision to be exercised by a state official, the *muhtasib*, over the markets and the religious, moral and social affairs in the Islamic city.<sup>3</sup> However, we may point out that there is a large consensus among the sources on interpreting *hisba* in its two meanings primarily as a religious duty derived directly from the repeated call of the Qur’ān to all Muslims to enjoin what is right and forbid what is wrong: legalists and authors of *hisba* manuals used to base their views on *hisba* on the verses of *al-amr bil-ma’rūf*.<sup>4</sup> They all saw *hisba* as a religious duty or, as the Fatimids classified it, *khidma dīniyya* (a religious service)<sup>5</sup> while Ibn al-Ukhūwā called it *min qawā'id al-umūr al-dīniyya*, (*hisba* is one of the foundations of religious affairs).<sup>6</sup> Ibn Khaldūn expressed it more clearly by declaring that *hisba* is a *wazīfa dīniyya*, a religious post to which the Muslim ruler must appoint an appropriate official, the *muhtasib*.<sup>7</sup>

1 Māwardī, *al-Aḥkām al-Sūltāniyyah*, pp. 240–259.

2 Ghazālī, *Iḥyā'*, 2:306, 312.

3 These two meanings are expressed also by Buckley, in his introduction to the translation of *Shayzarī's Nihāyat al-Rutba fī Ṭalab al-Ḥisba*, called *The Book of the Islamic Market Inspector*, Oxford University Press 1999, p. 1.

4 Such as Q3: 104, 110, 114, 7: 157, 9:67, 71, 22: 41, 31: 17. See for example Ghazālī, *Iḥyā'*, 2: 306–357. He considered *hisba* as a part of the larger issue of *al-amr bil-ma’rūf wal-nahy ‘an al-munkar*. See also Māwardī, *al-Aḥkām al-Sūltāniyyah*, pp. 240–259; Saqatī, pp. 1–3; Ibn al-Ukhūwā, pp. 7–14; Ibn Taymiyya, pp. 11–19; Nuwayrī, 6: 291–315.

5 Maqrīzī, *al-Khiṭāṭ*, 1: 463–464, quoted Ibn al-Ṭuwayr.

6 Ibn al-Ukhūwā, p. 6.

7 Ibn Khaldūn, pp. 225–226.

In the eyes of almost all Muslim theologians, *hisba* is a *fiqh* (juristic) subject and the *muhtasib* should be a Muslim who is well acquainted with *ahkām al-shari‘a*.<sup>8</sup> Consequently, in most cases his appointment was directly to be done by the judicial authority represented by the great *qādī* called in the Abbasid regime *qādī al-qudāt*, but always with the authorization of the caliph.<sup>9</sup> Therefore, the theological views on *hisba*, such as those of al-Māwardī, were the model upon which the manuals were composed.

Our main objective in this research is twofold: to reveal the real nature of the institution of *hisba* and to look for any relationship between its activity and the development of arts and crafts in Islam. Historically and geographically our research will not be confined to any specific period or place in Medieval Islam.

Thus, in Islamic reality, the *muhtasib* was entrusted with the mission of *hisba* and became an urban magistrate granted the authority to control the daily affairs of the city and to settle any religious and secular issues that arose. He urged the people to perform their ritual prayers at the right times, looked after the maintenance of the mosques, cared for the removal of health hazards, controlled moral behavior in public places and inspected commercial and manufacturing activity in the *sūq*.

Many modern scholars accepted the ‘classical statement’ set by Gaudefroy-Demombynes and others, defining the function of the *muhtasib* in Islam as the direct successor to that of the Greco-Byzantine *agoranomos*.<sup>10</sup> Changes in this theory began to appear with the impressive article by B. Foster in which he refuted any possible connection between the Byzantine *agoranomos* and the Islamic *muhtasib*.<sup>11</sup> Some scholars suggested other Greek, Roman and even Rabbinic offices as possible origins of *hisba*, such as Eastern or Semitic versions of the *agoranomos*, the *astynomos* and the Jewish *hashban*, *ba‘al hashūq* and *rav hashūq*.<sup>12</sup> G. Vercellin showed that there were many officials of the Byzantine world who could be sug-

<sup>8</sup> This point will be discussed latter. For now see Māwardī, *al-Ahkām al-Suttāniyyah*, pp. 420–421; Shayzārī, p. 6; ‘Uqbānī, p. 7.

<sup>9</sup> Qalqashandī *Šubḥ*, 10:273–284 related that the Abbasid caliph al-Mustarshid (6<sup>th</sup>/12<sup>th</sup> cent.) authorized his new *qādī al-qudāt* Abū al-Qāsim bin al-Ḥusayn al-Zaynabī (d. 543/1148) to appoint an appropriate *muhtasib*.

<sup>10</sup> The first to reach this conclusion was Gaudefroy-Demombynes in his works, such as “Un magistrat” pp. 33–40; and in his *Muslim Institutions*, pp. 154–157. He was followed by others: Shacht, first in his critic to E. Tyan’s *Histoire*, pp. 515–518, and he asserted it again in his legal work: *An Introduction to Islamic Law*, pp. 51–52 saying: “The Abbasids while maintaining his functions, superficially Islamicized this office”. A very enthusiastic supporter of the Greco-Byzantine origin of *hisba* is Floor, pp. 53–74. There he refuted one by one the contentions of B. Foster (see next note) and reassured the pre-Islamic Byzantine origin of *hisba*. See also Cahen and Talbi, s.v. “Hisba” *EI*<sup>2</sup>, 3: 485–489.

<sup>11</sup> Foster, pp. 128–144.

<sup>12</sup> For the various suggested origins of *hisba* see: Crone, *Roman Provincial*, appendix *muhtasib*, pp. 107–108; Glick, “Muhtasib and Mustasaf,” pp. 59–64; Sperber, pp. 227–243.

gested as precedents of Islamic *hisba*, such as *aedile*, *logistes*, *eirenarch*, *astynomas*, *eprax*, *censor* and *episcopos*.<sup>13</sup>

**Hisba in the Arabic Lexicography.** *Hisba*, *ihtisāb* and *muhtasib* all are derivations of the infinitive *h-s-b*. The lexicons contain numerous meanings and uses of the term and its derivations. Two principal meanings of the verb *hasaba* appear in the lexicons: to calculate and to suffice, while the verb *ihtasaba* has additional meanings: to seek reward (*ajr*), to calculate and to suffice. However, most of the lexicons gave a third meaning: *tadbīr* (management) from which came the use of *muhtasib al-balad*, the one who effectively managed the affairs of a city.<sup>14</sup> Al-Zabīdī, unlike the others, suggested that *muhtasib al-balad* was the one who disapproved of the wrongdoing of the people in his town.<sup>15</sup> It should be noted here that none of the lexicons gives a full and direct definition of *hisba* in its institutional sense. Such a definition was made, to the best of my knowledge, only by a late Hindi author of *hisba*, ‘Umar bin Muhammad al-Sunāmī (7<sup>th</sup>–8<sup>th</sup>/13<sup>th</sup>–14<sup>th</sup> cent.). After explaining the lexical meanings of *h-s-b*, he suggested two possible origins of the institutional idea of *hisba*: either *hisba* derived from *ihtisāb*, meaning commanding right and forbidding wrong in order to be rewarded by God; or, *hisba* derived from *ihtasaba ‘alayhi*, meaning disapproving of wrongdoing. He also added *hisba* as *tadbīr* (management), meaning the especially good performance of the *sharī‘a* laws which best served the interests of the Muslim community.<sup>16</sup>

The real vocation of institutional *hisba*, I believe, combined religious, moral, public and administrative elements. This office entailed the duty of inspecting the performance of *sharī‘a* laws in the daily life of the Islamic community.<sup>17</sup> As such, it involved every act done for God and, in consequence, it was said that *qaḍā’* was one field of (*al-amr bil-ma‘rūf wal-nahy ‘an al-munkar*), e. i. *ihtisāb*.<sup>18</sup>

13 See Vercellin, pp. 67–96.

14 These meanings are traceable in the various lexicons according to the root *h-s-b*. For example see Farāhīdī, 3:148–150; Ibn Manzūr, *Lisān*, 1:310–317; Fyrūzabādī, 1:56–57; Fayyūmī, pp. 134–135; Zamakhsharī, *Asās al-Balāgha*, 1:172; Ibn Sīda, *al-Muḥkam*, 3:151–152; Zubaydī, 1:418–423. Most of these meanings were adopted also by modern lexicons; see *Mu‘jam*, 1:171–172. See also Ma‘tūq, pp. 27–29.

15 Zubaydī, 1, p. 423.

16 Al-Sunāmī, pp. 81–84, see also the study and English translation of this treatise by Izzi Dien, M., *The Theory and the Practice of Market Law in Medieval Islam, a Study of Kitāb Niṣāb al-Ihtisāb*, E.J.W. Gibb Memorial Trust, 1997.

17 See al-‘Arīnī, “al-Ḥisba wal-Muhtasibūn,” p. 157.

18 Māwardī, *Adab al-Qāḍī*, 1:135; Al-Sunāmī, pp. 83–84.